

Remarks

Claims 1–59 are pending in the application and are subject to restriction. This amendment adds new claims 60. Applicants hereby elect with traverse the claims of Examiner's group I (claims 1–11, 15–31, 33–41, 45–46 and 48) for prosecution on the merits.

As pointed out by the Examiner the compounds recited in Group II, *e.g.*, claim 12 go beyond the scope of the formula recited in claim 1. Accordingly, applicants have amended claim 1 to clarify that claim 12 should properly depend from claim 1. Accordingly, applicants respectfully request that the claims of Examiner's groups I and II be combined for examination in the present application because the claims of Group II (claims 12–14, 32 and 42–44) simply recite a subset of compounds claimed in claim 1. Applicants submit that claim 60 also should be included in Group I and examined in the present application.

Moreover, applicants note that the reference (Peterson *et al. Journal of Applied Physics*, **2000**, 87, 7159–7163) cited by the Examiner in support of the Restriction Requirement fails to teach any compound within the scope of claim 1 or its dependent claims. Thus, at least the claims of Examiner's Groups I and II, *i.e.*, claims 1–46 and 48 as well as new claim 60 comply with the unity of invention requirement under PCT Rule 13.1 because the prior art fails to teach at least one common special technical feature recited in all of these claims, namely the compound recited in claim 1.

The Examiner also has imposed a species election requirement. Applicants hereby elect Species 2, $\text{La}_{0.7}\text{Y}_{0.3}\text{Sc}_3(\text{BO}_3)_4$, for initial prosecution on the merits. Claims 1–46, 48 and 60 read on the elected species.

The Examiner is invited to telephone the undersigned if it will expedite examination of this case.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By /Travis Young/
Travis Young, Ph.D.
Registration No. 53,819